IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 25298 of 1999

Between:
Victory Aided Upper Primary School
Nayeemnagar, Hanamkonda, Warangal,
Syed Sajjad Hussani

..... PETITIONER

AND

1. The Secretary, Education Department,
   Government of Andhra Pradesh,
   Secretariat, Hyderabad.
2. The Regional Joint Director of School Education,
   Government of Andhra Pradesh, at Warangal.
3. Director of School Education,
   Government of Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of respondent No.1 in not disposing of the review by way of revision of Victory Aided Upper Primary School, Nayeemnagar, Hanamkonda, Warangal, dated 7.12.1989 arising out of the impugned order G.O.Ms.No.1909, Edn. Dated 24.11.1989 in respect of shifting of the post.

Counsel for the Petitioner:MR.M.T.GHORI

Counsel for the Respondent Nos.1 to 3: G.P.FOR SCHOOL EDUCATION

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25298 OF 1999

ORDER:

Victory Aided Upper Primary School filed the Writ Petition seeking a direction to Government of Andhra Pradesh to dispose of the review petition filed by petitioner school seeking review of the orders of the Government in G.O.Ms.No.1909, Education (EE) Department dt.24.11.1989. According to the petitioner, the Correspondent submitted a review petition to the Government of Andhra Pradesh on 7.12.1989 and in spite of several representations, the Government did not dispose of the review petition and hence the petitioner invoked the jurisdiction of this Court under Article 226 of the Constitution of India with in ordinate delay of more than ten years.

The Government of Andhra Pradesh by its orders dt.14.11.1984 directed to shift four posts of teachers from petitioner school to Upper Primary School, Vangapahad, Warangal District. Aggrieved by the same, the Correspondent of the petitioner school made representation to the Government praying to reshift four posts of teachers which were shifted from petitioner school to Upper Primary School, Vangapahad, Warangal District. The representation was considered by the Government and by orders in G.O.Rt.No.1636, dt.4.12.1987 directed the Regional Joint Director, second respondent herein, to cause *de novo* enquiry into the matter for reshifting of four posts of teachers to the petitioner school. The Regional Joint Director after conducting enquiry submitted a report stating that the petitioner school closed down 7th Class unilaterally without issuing transfer certificates and without obtaining prior permission of the Government to close down or to open new classes in violation of A.P.Education Act, 1982. The Regional Joint Director also reported that the management of the petitioner school did not pay the salaries of certain staff members for months together. Therefore, the Government passed orders in G.O.Rt.No.1909, dt.24.11.1999 rejecting the request of the correspondent of the school for reshifting of four posts and teachers to the petitioner school. Seeking review of the same, petitioner filed a review petition on 7.12.1989.

Though it is stated by the learned counsel for the petitioner that after 7.12.1989 petitioner has been making representations to the Government seeking review of the order, in vain, petitioner has not

annexed the representations, said to have been made to the Government, to the Writ Petition. Be that as it is, it is now well settled that aggrieved person cannot perennially wait for redressal making representation after representation before an authority, and on that ground to approach the Court under Article 226 of the Constitution of India after long delay. As held by the Constitution Bench of the Supreme Court in **S.S.Rathore v. State of M.P.**[1] so as to seek redressal under Article 226 of the Constitution of India, petitioner has to be vigilant and reasonably approach the Court within the period of six months and any contention that representations are pending with the Government and therefore there is delay in approaching the Court cannot be countenanced. Therefore, this Writ Petition is barred by delay and laches and this Court does not find any reason or rationale to direct the Government of Andhra Pradesh to review its orders passed on 24.11.1989.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

25.8.2004
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To
1. The Secretary, Education Department,
   Government of Andhra Pradesh,
   Secretariat, Hyderabad.

2. The Regional Joint Director of School Education,
   Government of Andhra Pradesh, at Warangal.
3. Director of School Education,
   Government of Andhra Pradesh, Hyderabad.
4. 2 CCs to G.P. for School Education, High Court Bldgs.,
   Hyderabad (OUT)
5. 2 CD copies.

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[1] AIR 1990 SC 10